

ESTTA Tracking number: **ESTTA348353**

Filing date: **05/19/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91193784
Party	Plaintiff The Susan G. Komen Breast Cancer Foundation, Inc. dba Susan G. Komen for the Cure
Correspondence Address	JOHN M. CONE HITCHCOCK EVERT LLP P.O. BOX 131709 DALLAS, TX 75313-1709 UNITED STATES jccone@hitchcockevert.com, docket@hitchcockevert.com
Submission	Motion to Reopen
Filer's Name	John M. Cone
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Signature	/s/ John M. Cone
Date	05/19/2010
Attachments	100519 Opposer's Response to Applicants Letter on Show Cause Order.pdf (3 pages)(19234 bytes)

In the Matter of Application Serial No. 77/635,925 JUGGLING FOR A CURE

THE SUSAN G. KOMEN BREAST	\$	
CANCER FOUNDATION, INC. d/b/a	\$	
SUSAN G. KOMEN FOR THE CURE,	\$	
	\$	
Opposer,	\$	
v.	\$	Opposition No. 91193784
	\$	
JUGGLING FOR A CURE,	\$	
	\$	
Applicant.	\$	

OPPOSER'S RESPONSE TO APPLICANT'S LETTER OF APRIL 21 ON THE BOARD'S SHOW CAUSE ORDER

Applicant did not file an answer or request an extension of the term for answering before March 28, 2010. On April 13, 2010, the Board issued a Show Cause Order requiring Applicant to show cause why judgment by default should not be entered.

On April 21, 2010, Applicant filed a letter apparently in response to the Board's Order, but did not serve a copy of that letter on the Opposer.

Applicant's letter of April 21, 2010 does not comply with Trademark Rule 2.126 and, more importantly, does not show good cause for his failure to answer or otherwise respond by the due date of March 28, 2010. Applicant states that he is unable "to financially afford the fees associated with this opposition" or "to afford legal counsel."

That, however, does not explain why Applicant failed to file anything prior to the answer date.

Because the time for filing his Answer passed without any action by Applicant, reopening the time to Answer requires a showing of excusable neglect. Applicant's letter of April 21 totally fails to meet this standard. Indeed, it does not even address the issue, much less provide detailed facts sufficient to establish grounds for accepting an answer after the deadline has passed.

Opposer requests that judgment by default be entered dismissing the application and upholding the opposition.

Dated: May 19, 2010

Respectfully submitted,

/s/ John M. Cone

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THE SUSAN G. KOMEN BREAST CANCER
FOUNDATION, INC. d/b/a SUSAN G. KOMEN
FOR THE CURE

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of May 2010, a true and correct copy of the foregoing document was served via U.S. First Class Mail, postage prepaid on Kenneth F. Lewis, 2309 Vera Ave, Cincinnati, OH 45237-4305.

/s/ John M. Cone